

In re Application of: Denison et al.
Serial Number: 10/024,945

45. (New) An electronic access control device as in claim 43, wherein the keypad further includes a clear key, and the microprocessor is further configured to wait for a pre-selected period of time in response to detecting a pressing of the clear key.

C/ 46. (New) An electronic access control device as in claim 43, wherein the microprocessor is further configured to disable operation of the electronic access control device for a pre-selected period of time if the microprocessor has received a pre-selected number of invalid inputs consecutively entered through the keypad.

47. (New) An electronic access control device as in claim 43, wherein the microprocessor is further configured to generate an error message if it detects a lapse of a pre-selected time between two consecutive keypad key entries.

REMARKS

Applicants have carefully considered the Office Action of January 23, 2003 and the references cited therein. In view of the foregoing amendments and the following remarks, it is believed that the application is now in condition for allowance.

The Office Action first pointed out that a specific reference to the prior applications to which this application claims priority should be included in the specification. In response, applicants have amended the specification to include a reference to the parent application.

Turning now to the claim rejections, claims 40 and 41 were pending in the application. The Office Action rejected claim 41 under 35 U.S.C. § 112, first paragraph, for the alleged reason that support could not be found in the originally filed specification for imitating a program mode using a keypad, entering the permanent access using a keypad, and entering a user access code using a

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keypad. Applicants point out, however, that the support for the operation of entering a new access code as recited in claim 41 is found in the specification at p. 14, line 29 – p. 15, line 15.

Accordingly, the Examiner is respectfully requested to withdraw this rejection.

The Office Action then rejected claim 40 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 3, 14, and 20 of applicants' U.S. Patent 6,359,547 and claims 10 and 13 of applicants' U.S. patent 5,617,082. With respect to the '547 patent, applicants has filed herewith a terminal disclaimer to overcome the double-patenting rejection. With respect to the '082 patent, however, applicants respectfully traverse the double-patenting rejection. Specifically, claim 40 is directed to a process of assembling an electronic access control device, in which a permanent access code stored in a non-volatile memory is read back through a communication port in the microprocessor-based control circuit of the device. In contrast, claims 10 and 13 of the '082 patent are directed to an electronic access control device, rather than a process of assembling the device. Moreover, neither of claims 10 and 13 has any limitation regarding reading the permanent access code in the non-volatile memory out through a communication port. Accordingly, applicants submit that claim 40 of the present application would not have been obvious in view of claims 10 and 13 of the '082 patent. Accordingly, the Examiner is respectfully requested to withdraw the double-patenting rejection with respect to the '082 patent.

The Office Action also rejected claim 40 under 35 U.S.C. § 102 as allegedly being anticipated by Vanderschel (U.S. Patent 5,349,345). Specifically, the Office Action asserted:

Vanderschel shows a method of assembly for an access control device, which includes a keypad 20, a processor circuit (figure 3) and a non-volatile memory for storing a permanent code- Manufacture Usage Code) see table 2 and col. 3 lines 6+. The printer jack permits the reading of the code from the processor memory through a port other than the keypad.

Applicants respectfully point out that Vanderschel does not teach the claim limitations as alleged by the Office Action. First of all, claim 40 is directed to a method of assembling an

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electronic access control device. Vanderschel, however, has no description of the assembling process of the lock. Moreover, the portion of Vanderschel (col. 3 lines 6+) referred to by the Office Action does not have anything to do with the process of assembling the lock and does not teach or suggest the steps of connecting to a communication port in the microprocessor-based control circuit and reading back a permanent access code stored in a non-volatile memory through the communication port. In this regard, if the next Office Action should maintain the same ground of rejection, the Examiner is respectfully requested to specifically identify where in Vanderschel the pertinent teachings can be found, to facilitate a more precise and thorough discussion.

As to the Office Action's assertion that the printer jack 38 "permits the reading of the code from the processor memory through a port," that assertion is also not supported by the description of Vanderschel. Vanderschel merely states: "The printer jack 38 is used for interfacing with a printer to output reports on the lock's databases and the history file." Col. 3, lines 20-25. Vanderschel does not have any teaching or suggestion that the printer jack can be used to read back a permanent access code of the lock stored in a non-volatile memory of the lock. In this regard, it should be noted that the "Mfr-Usage-Code" that the Office Action considered to be the "permanent access code" is actually stored in a RAM 30 (see col. 3, lines 14-19) and thus is not a "permanent access code" in a "non-volatile memory." Moreover, since the printer jack is used for printing the lock's databases and history files, it is clearly used after the lock has been installed in the field, which of course occurs only after the lock has been assembled. Vanderschel has no teaching or suggestion about the assembling process at all, let alone how the printer jack might be used during the assembling process of the lock. Since Vanderschel does not teach or suggest the steps of claim 40, it could not have anticipated claim 40. Accordingly, claim 40 should be allowable over Vanderschel.

The Office Action further rejected claim 41 under 35 U.S.C. § 103(a) as being rendered obvious by Vanderschel. Specifically, the Office Action stated:

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Vanderschel shows a method of assembly for an access control device, which requires a permanent access code be entered prior to entering a user access code in the mode of programming the user access code. See col. 6, lines 15+. The difference between the claimed invention and the Vanderschel reference is that the code is entered in the claim using a keyboard, while the code of Vanderschel is entered using a key. Vanderschel shows that both keys and keyboards can equally be used to enter codes; the key code is entered using the key and the PIN is entered using the keyboard.

Therefore it would have been obvious to have used a keyboard for entering the required codes for the programming mode in Vanderschel to provide increased security since a keyed in code cannot be lost or misplaced like a physical key.

Applicants respectfully traverse the rejection because Vanderschel does not teach or suggest what the Office Action alleged it teaches. For instance, Vanderschel does not show a method of assembly of an access control device as the Office Action asserted. In this regard, it should be noted that claim 41 is actually not directed to a method of assembling a lock but rather a method of entering a new access code into an access control device. Also, the portion of Vanderschel (col. 6, lines 15) referred to by the Office Action is a description of "permission control" parameter, and has nothing to do with the operation of entering a new access code, regardless of whether a keypad or key is used. Thus, Vanderschel does not teach or suggest pressing a program key to initiate a key-entering process, entering a permanent access code, and then entering the user-configured access code. Accordingly, Vanderschel could not have rendered the claimed invention obvious, and claim 41 should be allowable.

Applicants have also added new claims 42-47. Independent claim 42 is similar to claim 20 of applicants' U.S. Patent 6,359,547 but without the language of "completing assembling the microprocessor-based control circuit." In this regard, it is believed that the Terminal Disclaimer filed in conjunction with this Amendment has overcome any potential issue of double patenting. Independent claim 43 is an apparatus claim that corresponds to method claim 41. Support for dependent claims 44-47 is found at p. 15, lines 30-34; p. 16, lines 9-12; p. 16, lines 13-19; and p. 16, lines 20-24, respectively, of the specification of the application, so no new matter has been added.

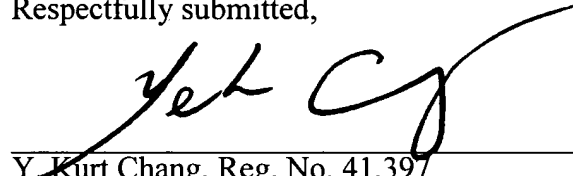
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Conclusion:

The application is considered to be in good and proper form for allowance, and the Examiner is respectfully requested to pass this application to issue.

If, in the opinion of the Examiner, a telephone conference would expedite the prosecution of the subject application, the Examiner is invited to call the undersigned attorney.

Respectfully submitted,



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